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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/587,803	07/31/2006	Bjorn Crona	0904-013	5205

42015 7590 09/29/2010

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EXAMINER	
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ART UNIT	PAPER NUMBER
2628	

NOTIFICATION DATE	DELIVERY MODE
09/29/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/587,803
Filing Date: July 31, 2006
Appellant(s): CRONA, BJORN

Steven M. Dubois
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 03 August 2010 appealing from the Office action mailed 03 February 2010.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

Claims 1-10.

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being

maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

6,003,577	Morito	12-1999
7,269,300	Braun et al.	9-2007
2003/0050873	Niki	3-2003

Korytar - ARTOPIK - Patterns for Cross Embroidery, http://www.artopik.rksoft.sk.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

The term "relatively low" in claim 10 is a relative term which renders the claim indefinite. The term "relatively low" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Appellant stated, "In creating bead-inlaid plates a very restricted number of colour hues is

available, e.g., 30 different hues as described in the text of the present application." However, the specification only describes that beads can be provided in a number of colors ranging from 1-30. No reference value is noted that would indicate that a number of colors from 1-30 is a "relatively low" number.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 2, 4-8, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morito (US 6,003,577) in view of Korytar (Artopik).

Claim 1:

Regarding claim 1, Morito discloses a method of creating a pattern for a bead-inlaid plate using a computer, comprising the steps of: providing a colour picture, (Column 1, lines 6-10 and column 3, lines 10-19)

converting the colour picture to a digital image file suited for electronic processing, (Column 3, lines 10-19, a picture captured by a digital camera is in a digital format)

dividing the selected area of the shown picture into a grid of intersecting lines including squares of a uniform size, each of said squares corresponding to a bead on the bead-inlaid plate, so that the grid of intersecting lines also corresponds to the selected format, (Figure 2 and column 3, lines 26-45)

determining according to a predetermined algorithm for each square that colour among colours available for beads which best represents or agrees with the colour of the square, (Column 4, lines 18-27)

Morito does not clearly disclose selecting on the monitor, using a user input device of the computer, an area of the shown picture for which a pattern is to be created; selecting a format of a bead-inlaid plate; showing on the monitor a picture of the selected area including the colour determined for the square in each square, and finally printing a pattern including the selected colours for the bead-inlaid plate.

Korytar discloses selecting on the monitor, using a user input device of the computer, an area of the shown picture for which a pattern is to be created (Figures 4-6, a portion of the image has had its color changed (the right side of the car))

selecting a format of a bead-inlaid plate; (Figure 3, format for the pattern)

showing on the monitor a picture of the selected area including the colour determined for the square in each square (Figure 4, software using a computer and associated display)

and finally printing a pattern including the selected colours for the bead-inlaid plate (Figure 7).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Morito to provide a user interface for designing pattern templates as disclosed by Korytar because a user can design a pattern template according to their preferences on the appearance.

Claim 2:

Regarding claim 2, Morito in view of Korytar (Figure 6) discloses the colour quantities include lightness, colour saturation and colour scale.

Claim 4:

Regarding claim 4, Morito discloses a device for forming a pattern for a bead-inlaid plate, comprising a computer including a receiving device for a digital image file suited for electronic processing, the computer including a unit for showing on the monitor associated with the computer the picture that corresponds to the digital image file, (Column 1, lines 6-10) and column 3, lines 10-19)

a unit for dividing the selected area in the shown picture in a grid of intersecting lines including squares of a uniform size which each correspond to a bead on the bead-inlaid plate, so that the grid of intersecting lines also correspond to the selected format, (Figure 2 and column 3, lines 26-45)

a unit for determining, according to a predetermined algorithm, for each square that colour hue among colour hues available for the beads which best represents or agrees with the colour hue in the square, (Column 4, lines 18-27)

Morito does not clearly disclose a unit, for selecting on the monitor, using one of the user input devices on the computer, an area of the shown picture for which a pattern is to be formed; a unit for selecting a format of a bead-inlaid plate; a unit for selecting a format of a bead-inlaid plate, a unit for showing on the monitor a picture of the selected area including the colour determined for each square in each square, and a unit for finally printing a pattern including the selected colours for the bead-inlaid plate.

Korytar discloses a unit, for selecting on the monitor, using one of the user input devices on the computer, an area of the shown picture for which a pattern is to be formed (Figures 4-6, a portion of the image has had its color changed (the right side of the car))

a unit for selecting a format of a bead-inlaid plate (Figure 3, format for the pattern)

a unit for showing on the monitor a picture of the selected area including the colour determined for each square in each square, (Figure 4, software using a computer and associated display)

and a unit for finally printing a pattern including the selected colours for the bead-inlaid plate (Figure 7).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Morito to provide a user interface for designing pattern templates as disclosed by Korytar because a user can design a pattern template according to their preferences on the appearance.

Claim 5:

Regarding claim 5, Morito in view of Korytar (Figure 8) discloses the step of showing on the monitor a picture of the selected area includes that for each square a picture of a bead having the determined colour hue.

Claim 6:

Regarding claim 6, Morito discloses converting a color picture to a digital image file which is suitable for electronic processing; (Column 3, lines 10-19, a picture captured by a digital camera is in a digital format)

identifying, for each of said squares, a color among those colors available for beads, which best represents a color of the square (Column 4, lines 18-27).

Morito does not clearly disclose displaying, on a monitor associated with the computer, a picture that corresponds to the digital image file; selecting, on the monitor using a user input device of the computer, an area of the displayed picture for which a pattern is to be created; selecting a format of a bead-inlaid plate; dividing the selected area of the displayed picture into a grid of intersecting lines including squares of a uniform size, each of said squares corresponding to a bead on the bead-inlaid plate, so that the grid of intersecting lines also corresponds to the selected format; displaying, on the monitor, a picture of the selected area including the colour determined for the square in each square, modifying, on the monitor using a user input device of the computer, at least one of: a color attribute associated with the picture of the selected area and the color in an individual square, and printing a pattern including the selected colors for the bead-inlaid plate.

Korytar discloses displaying, on a monitor associated with the computer, a

picture that corresponds to the digital image file; (Figures 3 and 4)

selecting, on the monitor using a user input device of the computer, an area of the displayed picture for which a pattern is to be created; (Figures 4-6, a portion of the image has had its color changed (the right side of the car))

selecting a format of a bead-inlaid plate; (Figure 3, format for the pattern)

dividing the selected area of the displayed picture into a grid of intersecting lines including squares of a uniform size, each of said squares corresponding to a bead on the bead-inlaid plate, so that the grid of intersecting lines also corresponds to the selected format; (Figures 4 and 8)

displaying, on the monitor, a picture of the selected area including the colour determined for the square in each square, (Figure 4)

modifying, on the monitor using a user input device of the computer, at least one of: a color attribute associated with the picture of the selected area and the color in an individual square, (Figure 5, original squares changed to green squares)

and printing a pattern including the selected colors for the bead-inlaid plate (Figure 7).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Morito to provide a user interface for designing pattern templates as disclosed by Korytar because a user can design a pattern template according to their preferences on the appearance.

Claim 7:

Regarding claim 7, Morito in view of Korytar (Figure 8, number of squares for determine number of beads) discloses selecting a number of beads to be laid in the bead-inlaid plate.

Claim 8:

Regarding claim 8, Morito in view of Korytar (Figure 8, number of squares determines number of beads) selecting a number of beads to be laid horizontally and a number of beads to be laid vertically.

Claim 10:

Regarding claim 10, Morito in view of Korytar (Figure 6) discloses said colours available for beads is a relatively low number of predetermined color hues.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morito (US 6,003,577) in view of Korytar (Artopik) and further in view of Braun et al. (US 2005/0089247 A1).

Claim 3:

Regarding claim 3, Morito in view of Korytar discloses all the limitations as discussed in claim 1.

Morito in view of Korytar does not clearly disclose discloses the steps of selecting format and dividing the selected area include the substeps that an initial format is first selected, that thereupon the selected area is divided according to the initial format, that on the monitor a picture including a grid of intersecting lines drawn according to the initial format is shown, that on the monitor, using a user input device of the computer,

the initial format is changed to a changed format, that thereupon the selected area is divided according to the changed format, these substeps being repeated until a desired format has been obtained.

Braun discloses the steps of selecting format and dividing the selected area include the substeps that an initial format is first selected, that thereupon the selected area is divided according to the initial format, that on the monitor a picture including a grid of intersecting lines drawn according to the initial format is shown, that on the monitor, using a user input device of the computer, the initial format is changed to a changed format, that thereupon the selected area is divided according to the changed format, these substeps being repeated until a desired format has been obtained (Page 3, paragraph 0047, the image is cropped with a change in dimensions if the image exceeds the dimensions).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Morito in view of Korytar to divide a picture to maintain the proper aspect ratio as disclosed by Braun because a resized image can be properly used by the invention of Morito in view of Korytar to properly divide the image into a grid of colors.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morito (US 6,003,577) in view of Korytar (Artopik) and further in view of Niki (US 2003/0050873).

Claim 9:

Regarding claim 9, Morito in view of Korytar discloses all the limitations as discussed in claim 6.

Morito in view of Korytar does not clearly disclose printing a picture of said pattern including information associated with a number of beads of each color hue required to fabricate said pattern as a bead-inlaid plate.

Niki discloses determining the number of colors used by each pixel in order to determine its consumption of colors (Page 6, paragraph 0087, it would have been obvious to print the information using known means).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Morito in view of Korytar to monitor the use of colors as disclosed by Niki because users can determine the amount of color that needs to be consumed and maintain or acquire the proper stock.

(10) Response to Argument

On pages 10-12 in the ARGUMENT, the Appellant argued in essence with respect to claim 1 and similar claims in substance:

"Putting aside the merits of those contentions for the moment, and even assuming arguendo that one of ordinary skill in the art would have been motivated to have merged these two references together in the manner asserted in the Final Office Action, the four steps alleged to be found in Morito plus the four steps alleged to be found in Korytar only then result in eight of the ten steps set forth in Appellant's claim 1

combination. That is, two of Appellant's claim 1 method steps are not addressed at all in the Final Official Action and are not even alleged to be present in the cited art.

Specifically, those two steps which are not even alleged to be present in the cited art are: (1) "showing, on a monitor associated with the computer the picture that corresponds to the digital image file", and (2) "changing, on the monitor, using a user input device of the computer, at least one colour quantity for the picture of the selected area and/or changing the colour in individual squares"."

In response, it is noted that the features of (1) and (2) were illustrated in figures 4 and 5 of the NPL document attributed to Korytar provided 29 May 2009 (the figures are reproduced below from the previously attached NPL document). Figure 4 is a screen capture (using screen capture software on a computer) of the user interface of Korytar's Artopik software (the software is available for download on the archived copy of Korytar's website).

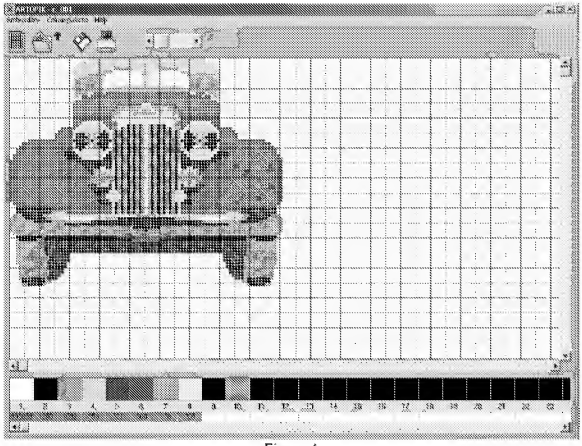

Figure 4

An image of an automobile is displayed within the user interface of Korytar; however, any image can be viewed and edited within using Korytar's software. Morito is relied upon to disclose providing many different digital images on a computer (Column 3, lines 10-19) allowing for a user to create and edit designs of any object the capture using an image capturing device such as a camera. As a result, the feature of (1) is described by the combination of Morito and Korytar.

Korytar further discloses the feature of (2). With reference to figure 5 (below) of the previously cited NPL document to Korytar, a number of squares on the right side of the automobile have had their color changed to a single color resulting in a loss of

symmetry previously present in figure 4.

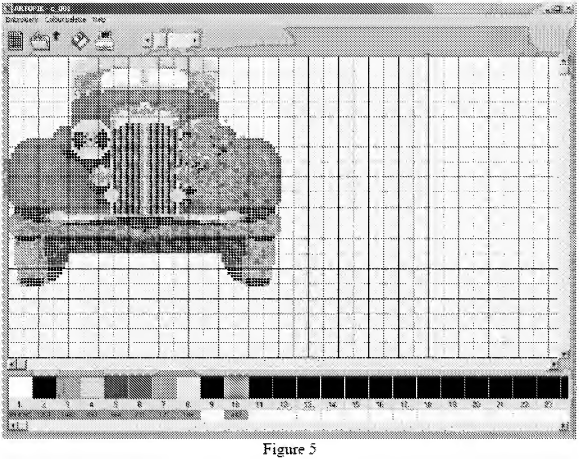

Figure 5

The color of the squares can be edited by selecting a color from the color palette illustrated in figure 6 (below) where the color value can be adjusted by modifying the values for each RGB color channel (Here there is a larger amount of green (176 G) used compared to red (84 R) and blue (16 B). Therefore, both the features of (1) and (2) described by Appellant is disclosed by the combination of Morito and Korytar along with the other features addressed in the previous office action.

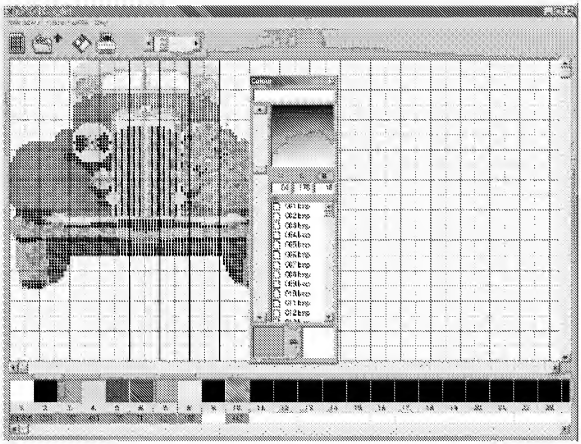

Figure 6

On pages 12-14 in the ARGUMENT, the Appellant argued:

"On information and belief, the Examiner did not provide (and has not provided) any copies from this website to indicate which portions of the web site are relevant as alleged prior art against the present application. However the Final Official Action continues to maintain that the website represents a disclosure of four of the ten steps of Appellant's claim 1 combination." And "In response to this position, the Final Official Action takes an interesting stance. Specifically, in numbered paragraph 2 of the Final

Official Action on page 2, it is stated that: "However, with reference to Figure 1 of Korytar, the Artopik website was archived by the Internet Archive WaybackMachine with an archive date of December 10, 2002. Figure 2 of Korytar displays the archived page with Date of last edit of December 8, 2002. This can be verified by entering the following URL into an internet capable browser: http://www.artopik.rksoft.sk in the Web section and then clicking "Take Me Back". There, archived copies of the webpage can be found from as far back as 2002 and 2003." Again, no copies of any archived web pages were provided to the undersigned to show exactly what the Examiner is (now) relying upon as the alleged teachings of the Korytar website. The undersigned has attempted to verify the information which is now being"

In response, it is noted that a hard copy of the cited document was indeed provided with the non-final office action dated 29 May 2009. The cited document is also available on PAIR under the description "NPL Documents" also dated 29 May 2009. As illustrated in figures 1 and 2 of the NPL document (provided 29 May 2009), the Internet Archive Wayback Machine provided archived copies of Korytar's Artopik website (below):

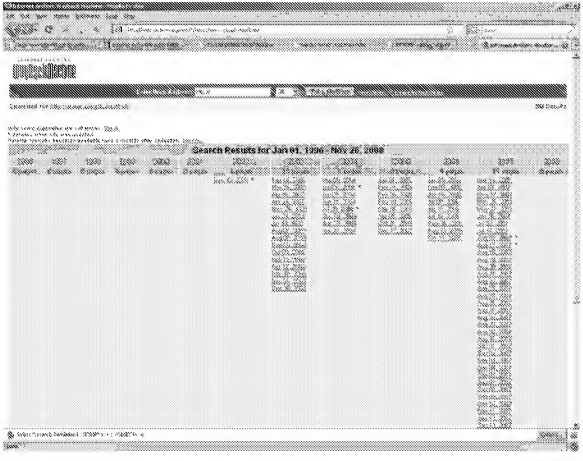

Figure 1

The archived copy dated and labeled "Dec 10, 2002" is shown in figure 2 (below):

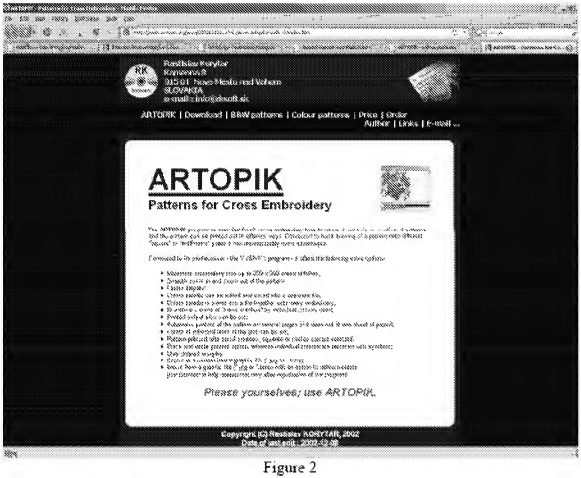

Figure 2

Figure 2 shows the archived copy from 10 December 2002 with a last edit date of "2002-12-08". An image of the software (available for download via the "Download" link on the archived page) similar to the ones cited in figures 3-8 of the NPL document attributed to Korytar is also displayed on the front page above the bullet points. Verification can be made of the archived contents of Korytar's web page by the following steps:

- Accessing the Internet Archive's Wayback Machine at http://www.archive.org/
- Entering "http://www.artopik.rksoft.sk/" in the field under Web on the Internet Archive's front page and then clicking "Take Me Back"

- A page similar to the one illustrated in figure 1 of the NPL document will be shown
- Clicking on the link "Dec 10, 2002" will result in the display of the archived copy of Korytar's website (figure 2 of the NPL document) where the Artopik software is available

Furthermore, Appellant has indicated in the footnote on page 14 of the Appeal Brief filed 03 August 2010 that the archived copy from 10 December 2002 had been retrieved.

On pages 15-16 in the ARGUMENT, the Appellant argued in essence with respect to claim 1 and other claims in substance:

"However assuming, strictly arguendo, that such bullet items do represent the scope of the Korytar pre-priority date disclosure then they, at a minimum, fail to teach or suggest "selecting on the monitor, using a user input device of the computer, an area of the shown picture for which a pattern is to be created", "selecting a format of a bead-inlaid plate", "showing on the monitor a picture of the selected area including the colour determined for the square in each square", "changing on the monitor where a picture of the selected area including the colour determined for the square in each square is shown, using a user input device of the computer, at least one colour quantity for the picture of the selected area and/or changing the colour in individual squares", as set forth among other features, in Appellant's claim 1 combination. Similar comments apply to Appellant's independent claim 4 and 6 combinations. These features are simply not

considered by the bullets of Korytar described above."

In response, it is noted that figures 1-8 of the NPL document attributed to Korytar (that Appellant's representative has stated not to have received or viewed, despite the fact that the document is available on PAIR) discloses the abovementioned features.

Figure 4 (figures 4-6 are reproduced again below) illustrates an image of an automobile for viewing and editing in Korytar's Artopik software (available on Korytar's archived front page via the "Download" link). Figure 5 illustrates a number of squares on the right side of the automobile image with modified colors that are selected by a user for modification. Figure 6 illustrates the selection of a color from the color palette to modify the color of squares with where a color can be selected by adjusting the values of the RGB channels. Therefore, Korytar discloses the features of "selecting on the monitor, using a user input device of the computer, an area of the shown picture for which a pattern is to be created."

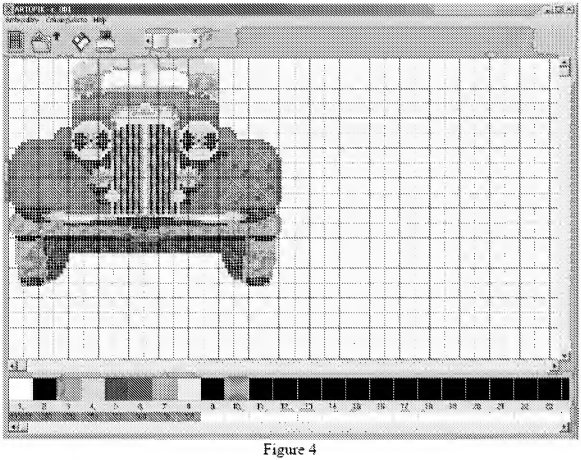

Figure 4

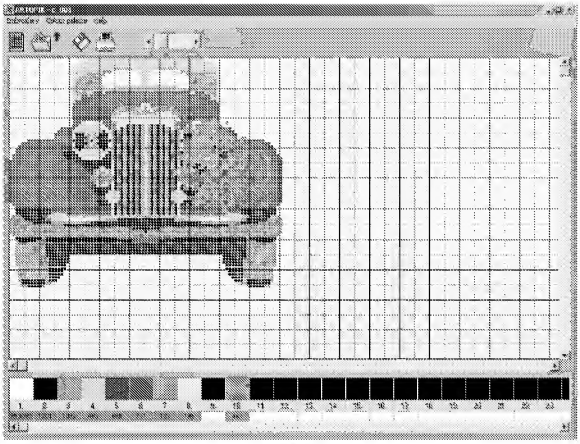

Figure 5

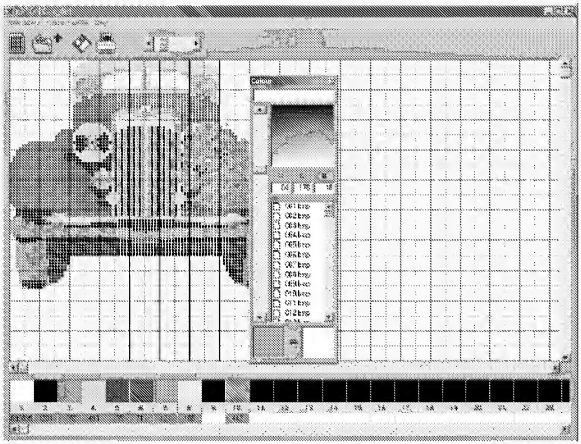

Figure 6

Furthermore, figure 3 (below) illustrates the selection of a design for editing and producing an image (for later printing) in the Artopik software. Here the format used by the Artopik software is the "art" format. Selection of "c_001.art" opens up the design of the image as seen in figure 4 (above, note the name "c_001" in the title bar). It is noted by the Examiner that both Korytar's Artopik software and Appellant's claimed limitations are both directed at producing an image of various colors to be printed and applying materials to an object using, the printed colored image as a guide. Therefore, the selection of designs of art formats of Korytar meets the limitations of "selecting a format

of a bead- inlaid plate" since both solutions are directed towards modifying squares of colors of an image to be printed for use in applying materials to an object.

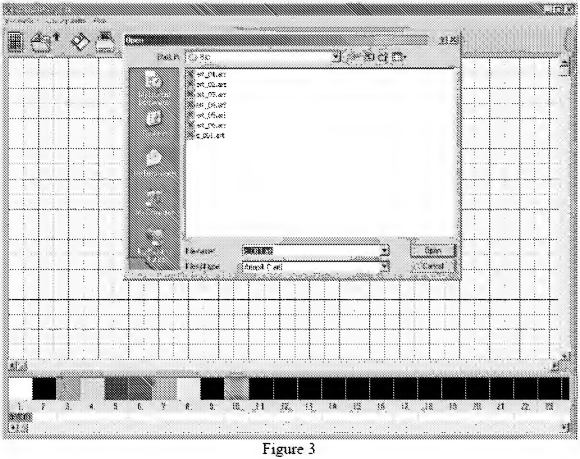

Figure 3

Furthermore, as illustrated in figures 4-6 (above), a user is able to take an unmodified image (figure 4, image of an automobile) and select and change any number of squares to another color (figure 5, right side of automobile image has various color squares changed) using a color selected by the user (figure 6, a more greenish color indicated by the RGB channel values). Therefore, Korytar discloses the features of "showing on the monitor a picture of the selected area including the colour determined

for the square in each square", and "changing on the monitor where a picture of the selected area including the colour determined for the square in each square is shown, using a user input device of the computer, at least one colour quantity for the picture of the selected area and/or changing the colour in individual squares"

On pages 17-18 in the ARGUMENT, the Appellant argued:

"It is noted that, in the Final Official Action, the Examiner has commented on this previously presented argument by stating that "the claimed invention, like Artopik is directed toward crating a color pattern to be then printed. The use of a finally printed pattern, be it for a layout for a bead-inlaid plate or cross embroidery, is a conclusive step that does not affect the operations of creating and printing a pattern." However it is respectfully submitted that this is an over-generalization of the problems being solved by exemplary embodiments of the present invention. When dealing with, for example, such a limited number of colors/hues in the creation of bead- inlaid plates, the manner in which those colors are selected (and the flexibility to change those colors as part of the design process) is particularly important. Among other things, it becomes important in the inlaid-bead art to take into account colors/hues of neighbouring beads in order to, for example, not end up with large fields of beads having the same hue by straight simulation of the hues in the original picture by instead mixing beads of different hues to generate a final output, which concern is not present when a substantially larger color palette is available, e.g., as in cross-stitch embroidery."

In response, it is noted that Appellant's argument is an unfounded assertion. There is no evidence provided in the specification, claims, or other documents, that would indicate that "it becomes important in the inlaid-bead art to take into account colors/hues of neighbouring beads in order to, for example, not end up with large fields of beads having the same hue by straight simulation of the hues in the original picture by instead mixing beads of different hues to generate a final output, which concern is not present when a substantially larger color palette is available, e.g., as in cross-stitch embroidery."

As previously mentioned, Korytar's Artopik software and Appellant's claimed limitations are directed towards the creation of a design by editing the colors of squares in an image that is later printed in order to act as a guide for placing colored material onto a medium (such as beads onto a plate or thread onto cloth). However, the use of colored material and medium with the colored pattern that is printed is a post-solution activity; whereas, the claimed limitations are directed towards providing a solution for designing a colored image to be printed to act as a guide for placing colored material. As a result the combination of Morito and Korytar discloses all limitations of claim 1 and similar claims for designing a colored image to be printed to act as a guide for placing colored material onto a medium.

On page 19 in the ARGUMENT, the Appellant argued:

"In addition to the comments and distinctions provided above, it should be appreciated that, in order to arrive at the claimed combinations, the method and

apparatus of Morito must be modified to change the automatic process described by Morito into an interactive process. Such a modification would require, for example, that display and printing devices should be added. Also, corresponding software would have to be developed and added, in particular for showing the pattern and allowing it to changed, e.g. for each bead, and also for allowing printing in a realistic way. It is respectfully submitted that Morito clearly teaches away from such modifications based on its premise that automated and "low skill" processes are desirable."

In response, it is noted Morito's discussion of "low skill" refers to the post-solution activity of automatically applying the colored material (beads) onto a medium (plate) (Column 14, lines 29-35). However, as discussed previously, the combination of Morito and Korytar results in the design of a guide as to where to place colored material onto a medium. Through this combination, a user can enjoy the benefits of both being able to modify the image of a design to their preferences and a reduced cost while receiving high quality during the application of colored material to a medium through automation.

On page 19 in the ARGUMENT, the Appellant argued:

"The dependent claims are allowable for at least the reasons set forth with respect to the independent claims from which they depend. With respect to dependent claims 2 and 9, the cited patent application to Braun et al. relates to "Sharpening a digital image in accordance with magnification values" and the cited patent application to Niki relates to "Information processing apparatus, consumables stock management

system, consumables stock managing method, consumables stock managing program, and memory medium", are not within the field of the present invention and do not remedy the afore-described deficiencies of Morito and Korytar."

In response, it is noted that the Examiner assumes there to be a typographical error in the above argument where the dependent claim 3, not 2, is referenced to Braun. Furthermore, it is noted with respect to claim 3, that Braun is directed towards cropping an image to be printed if the image exceeds certain dimensions. Therefore, Braun's disclosure is applicable to the printing of a colored image guide as disclosed by Morito and Korytar because the printed guide image can have areas cropped if they exceed printable dimensions. Furthermore, it is noted with respect to claim 9, that Niki is directed towards counting the number of colors used by each pixel for printing in order to ensure there is enough printing material available. Therefore, Niki's disclosure is applicable to the printing of a colored image guide as disclosed by Morito and Korytar because the benefits of an automated printing of a user designed colored image guide can be printed with assurance there is enough material to ensure that it can be printed.

On page 20 in the ARGUMENT, the Appellant argued in essence with respect to claim 10 and similar claims in substance:

"The Final Official Action continues on to support this conclusion by stating that the term "relatively low" is not defined by the claim, the specification does not provide a statement for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised by the scope of the invention. The Examiner recognizes,

however, that the present application indicates that beads can be provided with a number of colors ranging from 1-30. See page 4, line 7 of the present application. Since integer values do not go lower than one, it is hard to understand why one of ordinary skill in the art would not understand that, for example, a range of 1-30 could be described by the phrase "relatively low". Moreover it is respectfully submitted that relative terms, per se, do not render a claim's scope indefinite."

In response, it is noted that there is no reference value in the claimed limitations as to which one of ordinary skill in the art would perceive as "relatively low". A value of 10 would be recognized by one of ordinary skill in the art to be "relatively low" when compared to a reference value of 1000, or even 100. As indicated in the specification, there is an indication of 1-30 colors. However, there is no reference value indicated in either the specification or the claims that would allow one of ordinary skill in the art to determine a value between 1 and 30 to be relatively low.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Phi Hoang/

Examiner, Art Unit 2628

Conferees:

/XIAO M. WU/

Supervisory Patent Examiner, Art Unit 2628

/Kee M Tung/

Supervisory Patent Examiner, Art Unit 2628